

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Deonza Lamar Carmichael

Docket No. 5:08-CR-229-2FL

Petition for Action on Supervised Release

COMES NOW Michael W. Dilda, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Deonza Lamar Carmichael, who, upon an earlier plea of guilty to Possession of Firearms by a Felon and Aiding and Abetting, 18 U.S.C. §§ 922(g)(1), 924, and 2, was sentenced by the Honorable Louise W. Flanagan, U.S. District Judge, on November 3, 2010, to the custody of the Bureau of Prisons for a term of 84 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 3 years.

Deonza Lamar Carmichael was released from custody on May 6, 2016, at which time the term of supervised release commenced. On September 30, 2016, a Violation Report was filed with the court advising the defendant tested positive for marijuana on August 29, 2016. On October 3, 2016, the court concurred with the probation officer's recommendation to have Carmichael complete a Thinking Report and undergo a substance abuse assessment. On November 3, 2016, a Violation Report was filed with the court advising Carmichael was charged in Wayne County, North Carolina, with Driving While Intoxicated, Driving While License Revoked, and Speeding on November 2, 2016. On November 4, 2016, the court concurred with the probation officer's recommendation to allow the defendant to continue substance abuse treatment and await for an additional recommendation if a conviction(s) occurred (the charges remain pending for disposition). On January 19, 2017, a Violation Report was filed with the court advising Carmichael was arrested on December 31, 2016, with misdemeanor Simple Assault (16CR52721) in Lenoir County, North Carolina. On January 23, 2017, the court concurred with the probation officer's recommendation to continue supervision to await for disposition of the offense, which was adamantly denied by the defendant and remains pending for disposition.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On February 28, 2017, the defendant provided a urine sample that was submitted for laboratory analysis. On March 7, 2017, laboratory analysis revealed positive results for marijuana and amphetamine/methamphetamine. On April 5, 2017, the defendant was confronted with the positive results and admitted to using marijuana on approximately February 25, 2017, but denied any use of methamphetamine; however, he acknowledged the validity of the test. Also on April 5, 2017, Carmichael provided a urine sample that was submitted for laboratory analysis and he admitted to using marijuana on approximately March 27, 2017. On April 9, 2017, laboratory analysis revealed positive results for marijuana. The defendant continues to participate in substance abuse counseling. As a sanction for this violation conduct, 60 days of location monitoring to include curfew via electronic monitoring is recommended. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall adhere to a curfew as directed by the probation officer for a period not to exceed 60 consecutive days. The defendant is restricted to residence during the curfew hours. The defendant shall submit to the following Location Monitoring: Radio Frequency monitoring and abide by all program requirements, instructions and procedures provided by the supervising officer.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,


I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Dwayne K. Benfield
Dwayne K. Benfield
Supervising U.S. Probation Officer

/s/ Michael W. Dilda
Michael W. Dilda
U.S. Probation Officer
201 South Evans Street, Rm 214
Greenville, NC 27858-1137
Phone: 252-830-2342
Executed On: April 26, 2017

ORDER OF THE COURT

Considered and ordered this 27th day of April, 2017, and ordered filed and
made a part of the records in the above case.



Louise W. Flanagan
U.S. District Judge